

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OMER QURESHI, an individual,

Plaintiff,

v.

AMWAY CORP., a foreign corporation,

Defendant.

No.

NOTICE OF REMOVAL

TO: Plaintiff, Omer Qureshi and his Counsel;

AND TO: CLERK OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF WASHINGTON.

Defendant Amway Corporation (“Amway”) hereby provides notice of its removal of the
above-titled action from the King County Superior Court for the State of Washington to the
United States District Court for the Western District of Washington at Seattle pursuant to 28
U.S.C. § 1332 and 28 U.S.C. § 1441.

The grounds for removal are as follows:

1. On June 7, 2021, Amway was served with a Summons and Complaint for
Damages. *See* Declaration of Rachel N. Herrington (“Herrington Decl.”), **Exhibit A**, attached
hereto.

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2. Amway is incorporated under the laws of the State of Virginia, with its principal place of business located in Ada, Michigan. *See* Declaration of Scott Gray in support of Notice of Removal (“Gray Decl.”), ¶ 3.

3. Plaintiff Omer Qureshi (“Plaintiff”) is a resident of Washington State. Herrington Decl., Ex. A, ¶ 1.

4. The Complaint, filed in the Superior Court for the State of Washington, in and for the County of King, asserts product liability and Washington Consumer Protection Act (“CPA”) claims. Herrington Decl. Ex. A, ¶¶ 17-29.

5. Although the Complaint does not set forth the dollar amount prayed for, Amway has a good faith belief that Plaintiff is seeking damages in an amount greater than \$75,000.

6. On December 18, 2020, Plaintiff sent a demand letter to Amway that details his alleged claims and damages, totaling more than \$84,000. *See* Gray Decl., ¶ 4. *See e.g., Paulus v. Allstate Prop. & Cas. Ins. Co.*, No. 2:19-CV-0287-TOR, 2019 WL 5576945, at *2 (E.D. Wash. Oct. 29, 2019) (considering Plaintiff’s calculation of damages in demand letter for purposes of determining amount in controversy); *Lewis v. Fred Meyer Stores, Inc.*, No. 13-CV-05151 JRC, 2013 WL 1855867, at *1 (W.D. Wash. May 1, 2013) (settlement and demand letters are “relevant evidence regarding the amount in controversy); *Barnes v. Cont’l Tire N. Am. Inc.*, No. C05-5214 RBL, 2006 WL 1636534, at *1 (W.D. Wash. June 2, 2006) (Defendant filed notice of removal for diversity jurisdiction after Plaintiff sent demand letter for damage claims of \$130,000). Moreover, an assessment of Plaintiff’s actual damages, non-economic damages, treble damages under the CPA, together with Plaintiff’s statutory claims for attorney’s fees establishes that the amount in controversy easily exceeds the \$75,000 threshold. *See Paulus*, 2019 WL 5576945, at *2 (considering treble damages under CPA and Plaintiff’s claim for attorney’s fees in determining amount in controversy); *see also Fritsch v. Swift Transp. Co. of Ariz., LLC*, 899 F.3d 785, 793-94 (9th Cir. 2018) (concluding that where the law entitles a successful

1 plaintiff to an award of attorney's fees, those fees must be included I the analysis of the amount in
2 controversy).

3 7. Accordingly, diversity jurisdiction exists under 28 U.S.C. § 1332.

4 8. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because this district
5 embraces the county in which the removed action is to be filed.

6 9. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is filed in this
7 Court within (30) days of Amway's receipt of a copy of Plaintiff's initial pleading.

8 10. In accordance with 28 U.S.C. § 1446(d), copies of this Notice of Removal will be
9 served on Plaintiff and filed with the Clerk of the Superior Court for the State of Washington for
10 King County.

11 WHEREFORE, Amway respectfully requests that the above-described action, filed in the
12 Superior Court of Washington, King County, be removed to this Court.

13 DATED: June 28, 2021.

STOEL RIVES LLP

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15 s/ Rachel N. Herrington

Rachel N. Herrington, WSBA #53255

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19 Attorney for Defendants
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CERTIFICATE OF SERVICE

I, Rachael Cullen, certify that at all times mentioned herein, I was and am a resident of the state of Washington, over the age of eighteen years, not a party to the proceeding or interested therein, and competent to be a witness therein. My business address is that of Stoel Rives LLP, 3600 One Union Square, 600 University Street, Seattle, Washington 98101.

On June 28, 2020, I caused a copy of the foregoing document to be served upon the following counsel as indicated below:

Daniel D. DeLue, WSBA No. 29357
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- ☐ Hand delivery via legal messenger
- ☐ US First Class Mail
- ☐ Electronic service via the Court's efilng application
- ☒ Email/PDF

Attorney for Plaintiff Omer Qureshi

DATED: June 28, 2021.

STOEL RIVES

s/Rachael Cullen
Legal Practice Assistant
Stoel Rives LLP